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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brian Gallagher
Serial No.: 10/780,805
Filed: February 18, 2004
Group No.: 3711
Examiner: Mark S. Graham
Title: TRAINING BAT AND METHOD

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

November 30, 2004

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

Applicant hereby appeals to the Board of Appeals from the decision of the
Primary Examiner mailed June 1, 2004 finally rejecting claims 1-10.

The item(s) checked below are appropriate:

 X 1. A Petition and Fee for Extension of Time for reply to the final rejection is
attached.

 X 2. Appeal Fee

 Other than a small entity Fee: \$340.00

 X Small Entity Fee: \$170.00

 Verified Statement attached

 X Verified Statement filed previously.

 X 3. Payment

 X Check attached for the sum of \$170.00 .


 Please charge Deposit Account No. 23-3000 in the sum of \$.

- X 4. If any additional fee for extension or appeal is required, or if any overpayment is made, either charge or credit Deposit Account No. 23-3000. A duplicate of this paper is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By


Gregory F. Ahrens
Reg. No. 32,957


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Certificate of Mailing (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner of Patents, Washington, D.C. 20231 on November 30, 2004.

Date

11-30-04


Gregory F. Ahrens
Reg. No. 32,957